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From: David L. Hoffman
Law Offices of David L. Hoffman

Fax: (703) 872-9306

Pages: 4

Phone: (571) 272-7755

Date: June 16, 2005

Re: OBJECTIONS TO ACCESS

EXAMINING ATTORNEY:

Ser./Appl. No.: 09/152,992

Group/Law Office: 114

Filing Date: September 14, 1998

Mark/Invention: PROSTHETIC DEVICE

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

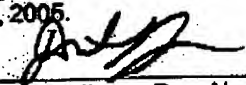
Dear Sir or Madam:

Enclosed herewith is the following:

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David L. Hoffman, Reg. No. 32,469

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Randi L. Black

Serial Number: 09/152,992

Examiner:

Filed: September 14, 1998

Art Unit:

For: PROSTHETIC DEVICE

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**RANDI LYNN SCHINDLER aka RANDI BLACK'S
OBJECTIONS TO ACCESS TO UNPUBLISHED PENDING
OR ABANDONED APPLICATION**

Dear Sir or Madam:

Responsive to the Letter mailed June 7, 2005 from the Patent Office, regarding access to the above-identified application on May 16, 2005, applicant hereby objects to access on the grounds set forth below:

OBJECTIONS TO ACCESS

The application is abandoned or pending and is not publically available. Ms. Black has done nothing to waive the confidentiality protection of a patent application.

(1) Malpractice is not enumerated as a special circumstance for access in the MPEP. Mr. Kleinberg can obtain access through the discovery process, to the extent of the relevant portion of the file history, with the protections of a confidentiality order by

- 1 -

Application No. 09/152,992
LETTER Mailed June 7, 2005
Response to Letter June 28, 2005

the Court. The Patent Office cannot require Mr. Kleinberg to keep the document in confidence if the patent office produced it to him. By contrast, if Mr. Kleinberg obtains it through discovery, the Court can protect the confidentiality.

(2) T attorney client duty of confidentiality may not extend to Mr. Kleinberg because his representation is now over and so access to the file must be declined to protect Ms. Black's confidentiality.

(3) The file contains documents filed subsequent to Mr. Kleinberg's representation, and so he cannot have access to the file, because it contains documents he never was authorized or entitled to see at any time. Specifically, the file contains papers filed after the substitute power of attorney executed on or about December 18, 2001 and filed immediately thereafter (copy enclosed), which removed Mr. Kleinberg's power.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN



David L. Hoffman

Reg. No. 32,469

Date: June 28, 2005

Encls.

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Application No. 09/152,992
LETTER Mailed June 7, 2005
Response to Letter June 28, 2005

CERTIFICATE OF FACSIMILE

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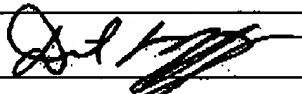
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Marvin H. Kleinberg
Kleinberg & Lerner
2049 Century Park East #1080
Los Angeles, CA 90067

on

June 28, 2005



6/28/05

David L. Hoffman, Reg. No. 32,469

Date